

U.S. Patent Appln. No. 10/068,332  
Reply to Office Action Dated October 18, 2005

Docket No. 9100-8

### **REMARKS**

These foregoing amendments and these remarks are timely filed in response to the Office Action dated October 18, 2005. Although no fees are believed to be due, authorization is given to charge any necessary fees and credit any overpayments to Deposit Account No. 50-0951.

At the time of the Office Action, claims 1-3 were pending. Claims 1-3 have been rejected under 35 U.S.C. §103(a). The rejections and the response thereto are set out in more detail below.

#### **I. The Claims of the Present Application are Patentable Over the Cited Art**

##### **A. Review of Amended Independent Claim One**

Applicant has amended claim 1 to present an alternative wording of the claimed subject matter. Claim 1 recites a sleeve of elasticated netting divided by a longitudinal seam into a larger diameter portion and smaller diameter portion. When a meat product is encapsulated in the larger diameter portion, the smaller diameter portion will be held in contact with the meat product only at the seam and can be lifted away from the meat product to raise the latter by grasping the smaller diameter portion at a position spaced from the meat product. No new matter has been added as support for the amendments can be found throughout the entire specification and drawings. See Figs. 1 & 2.

##### **B. Review of the Rejections on Art**

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent No. 2546278 B1 to Waar (the " '278 Patent") in view of U.S. Patent No. 5,413,148 in view of Mintz et al. (the " '148 Patent").

In support of these rejections, the Office Action asserted that:

With regard to claim 1, Maar discloses a sleeve (flexible tube; page 9, line 2, of second paragraph of English translation) of netting (a net; page 10, lines 4-5 of first paragraph of English translation) that is elasticated (it consists of threads of a highly elastic material; page 10, lines 12-14 of English translation) which is provided with a seam (a connection between longitudinal threads '4' and an opposite mesh '2' by a pull thread '7' as shown in Figure 1; page 10, lines 17-19 of English translation) and will not become embedded in

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the surface of a product when it is cooked (in the condition of roasting, the net imparts only an extremely slight radial force so that the net is not pressed into the roasting crust; page 6, final line of second paragraph; page 7, lines 1-3 of the English translation). Maar fails to disclose a seam such that when a product having a radius is encapsulated by the sleeve a portion of the seam will project radially relative to the product.

Mintz et al teaches the use of netting (column 3, lines 50-51) for the containment of a product in which the center has a larger diameter than the ends (column 4, lines 43-46) for the purpose of using a container that allows the product to bulge outwardly (column 4, lines 43-46). One of ordinary skill in the art would therefore have recognized the advantage of providing for the product of Mintz et al. in Maar, which comprises a netting, depending on the desired bulging of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time applicant's invention was made to have provided for a product in which the center has a larger diameter than the ends of Maar in order to allow the product to bulge outwardly as taught by Mintz. Maar would therefore comprise a seam such that when a product having a radius is encapsulated by the sleeve a portion of the seam will project radially relative to the product, because of the outward bulge in the center of the netting which is a projection.

Although the amendments to independent claim 1 have rendered the rejection under 35 U.S.C. § 103(a) as being moot, Applicant notes that neither the '278 Patent nor the '148 Patent teach or suggest each and every claim limitation recited in amended claim 1. For instance, in addition to the other limitations present in claim 1, neither the '278 Patent nor the '148 Patent teach or suggest elasticated netting divided by a longitudinal seam into a larger diameter portion and a smaller diameter portion. Further, neither the '278 Patent nor the '148 Patent divide the respective casings into *any* number of portions.

Still further, no combination of the '278 Patent and the '148 Patent could result in a sleeve having a handling portion as that recited by claim 1. The bulging in the '148 Patent discussed by the Office Action is for aesthetic reasons and is not intended to be, or capable of, providing a handling portion. In the '148 Patent, the stockinette and the net casing structure remain close to or embedded in the surface of the meat product. See the '148 Patent, col. 3, lines 14-15 ("to thereby define a checker-board pattern on the surface thereof").

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Accordingly, claim one is believed to be patentable over the '278 Patent and the '148 Patent and all references of record. Dependent claims 3 and 4 are believed to be allowable due to their dependence upon allowable base claim 1 and for further features recited therein.

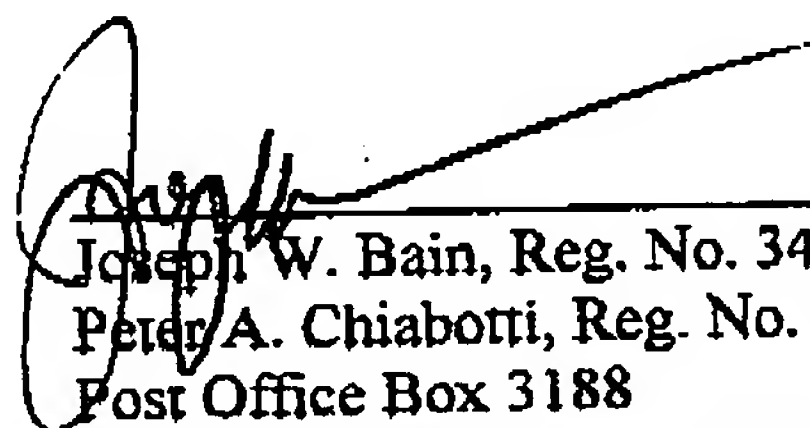
## II. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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